

MINUTES OF THE
MONROE COUNTY CONTRACTORS' EXAMINING BOARD HEARING
MARATHON GOVERNMENT REGIONAL CENTER, 2798 OVERSEAS HIGHWAY,
SECOND FLOOR, BOCC ROOM, ON WEDNESDAY,
MAY 27TH, 2009, 9:30 A.M.
STEVE ROY HENSON, CHAIRMAN

9:54 a.m. ROLL CALL WAS TAKEN WITH THE FOLLOWING MEMBERS PRESENT:

STEVE ROY HENSON, CHAIRMAN
WILLIAM (BILL) F. KELLY III, VICE CHAIRMAN
PEGGY BANKESTER
JOSEPH VETRICK
RUDY KRAUSE
JOSEPH PASKALIK, BUILDING OFFICIAL
NATILEENE W CASSEL, ASSISTANT COUNTY ATTORNEY
LISETTE CUTIE, COORDINATOR
ODALYS MAYAN, COORDINATOR

NOT REQUIRED TO ATTEND:

FRANK TOPPINO, ALTERNATE
CHARLES E MILLER 2ND ALTERNATE

9:52 a.m. Counsel swore in all parties involved

**9:49 a.m. CE08090033 &
CE08100091**

MICHAEL J BISKUPICH SP3242/SP3816
MAMA'S ROCK & SAND INC d/b/a/ MAMA'S GARDEN
CENTER
NOTICE OF APPEAL ON 6-66(1) WORKING OUTSIDE
SCOPE OF PERMIT. &
NOTICE TO APPEAR ON 6-25 UNLICENSED CONTRACTING

Connie Gates appeared on behalf of Qualifier who was not able to attend due to cancer treatments. Case postponed until July 09, CEB Meeting. Qualifier needs to appear or give notarized authorization for someone else to appear on his behalf.

9:56 a.m. CE08080234

AMAYA CASTRO SP3171
PRICE CUTTERS TRASH REMOVAL & P-ROCK SALES, INC
NOTICE TO APPEAR ON 6-57(b) ADVERTISING WITHOUT
LICENSE NUMBER.

Mr. Castro present with no counsel. Code Enforcement Inspector Lynn Tsouchlos present for the County. After testimony and evidence was taken from all parties, William Kelly made a motion and where Rudy Krause seconded the motion to find In Violation. Motion carried unanimously; AND where

PENALTY PHASE:

CE08080234

Motion made by Joseph Vetrick to fine \$2500.00 Administrative Fee. Motion dies for lack of second. William Kelly made a motion and where Joseph Vetrick seconded the motion to fine \$1500.00 with no administrative fee under discussion. Motion fails due to 3/2 vote. Rudy Krause made a motion and where Joseph Vetrick seconded motion to fine \$500.00 with \$50.00 administrative fee which must be paid within thirty (30) days of hearing, and roll call was taken. Vote 4/1. Peggy Bankester (n)

10:30 a.m. **CE08080236** LOUIS E. CAPUTO EC0000591
NOTICE TO APPEAR ON 6-66(5) VIOLATION OF WORKERS
COMPENSATION LAWS

Legal representative Mr. Mullick on behalf of Mr. Caputo requesting motion to dismiss. Code Enforcement Inspector Lynn Tsouchlos present for the County. After testimony and evidence was taken from all parties, Peggy Bankester made a motion and where Rudy Krause seconded the motion to DENY MOTION TO DISMISS. Motion carried unanimously; AND where Joseph Vetrick made a motion and where Steve Henson seconded motion to continue case. Motion fails due to vote of 3/2.

11:27 a.m. Break

11:36 a.m. Resume- Roll Call

11:43 a.m. Resume- Caputo

Peggy Bankester made a motion to find In Violation and motion dies due to lack of second. AND where, Joseph Vetrick made a motion and where William Kelly seconded to find NOT IN VIOLATION due to lack of evidence. Roll call taken. Vote 3/2- Peggy Bankester (N), Rudy Krause (N).

12:29 a.m. Mr. Mullick reported he overheard someone say Mr. Lawler was see present but he never singed in or stayed for hearing.

12:30 p.m. **CE08100099** RAYMOND PACK GC 408A
JUDRAY PRODUCTS, INC
NOTICE OF APPEAL ON 6-66(8)(a) AIDING AND ABETTING.

Mr. Pack present with no counsel. Code Enforcement Inspector Marina Lake present for the County. After testimony and evidence was taken from all parties, William Kelly made a motion and where Steve Henson seconded the motion to GRANT APPEAL. Motion carried unanimously.

12:51 p.m. Break

12:54 p.m. Resume

12:55 p.m. **CE08070039** MCKENDRY BRIAN T. CGC1505150
MCKENDRY BUILDERS, INC
NOTICE TO APPEAR ON
6-66(5) VIOLATION OF WORKERS
COMPENSATION LAWS. &
6-66(8)(a) AIDING AND ABETTING.

Mr. McKendry present with no counsel. Code Enforcement Inspector Lynn Tsouchlos present for the County. After testimony and evidence was taken from all parties, William Kelly made a motion and where Peggy Bankester seconded the motion, to find IN VIOLATION of 6-66(5). Roll call taken. Vote 4/1- Peggy Bankester (Y). FOUND NOT IN VIOLATION due to majority vote, and where William Kelly made a motion and where Joseph Vetrick seconded to find NOT IN VIOLATION. Motion carried unanimously.

1:35 p.m. John S. Mannix from Sundance Construction appeared before the board to explain his case on CE08080025 Notice to Appear for 6-66(8)(a) Aiding and abetting and 6-66(5) Violation of Workers Comp Laws and requesting for his permit pulling privileges to be reinstated. Steve Henson made a motion and where Rudy Krause seconded the motion to reinstate permit pulling privileges, continue case and to subpoena Lee Wilson from Lee's Electric and Dan Wilson.. Motion carried unanimously.

1:55 p.m. **CE08100057** ESQUIVEL, CARLOS
NOTICE OF APPEAL ON
6-25 UNLICENSED CONTRACTOR &
6-66(5) VIOLATION OF WORKERS COMPENSATION LAWS
CASE CONTINUED DUE TO LACK OF QUARUM

2:00 p.m. Joseph Vetrick dismissed himself from meeting for another commitment. Will not return.

2:05 p.m. **CE08100056** DEL VALLE, HUMBERTO LUIS CGC057574
BDV CONSTRUCTION, INC
NOTICE TO APPEAR ON
6-66(5) VIOLATION OF WORKERS
COMPENSATION LAWS. &
6-66(8)(a) AIDING AND ABETTING
CASE CONTINUED DUE TO LACK OF QUARUM

2:15 p.m. **Break for lunch**

3:15 p.m. **Resume- Roll Call**

4:33 p.m. William Kelly read into the record all the applications that went before the Board for review.

4:47 p.m. Meeting Adjourned.

**Lisette Cutie, Coordinator
Contractor Licensing**

Cc: Board Members
Code Enforcement Department
Nat Cassel, County Attorney
Kim Pita, City of Key West (kpita@keywestcity.com)
Nicole Daniels, City of Marathon (danielsn@ci.marathon.fl.us)
Ed Borysiewicz., City of Key Colony Beach (cityclerk@keycolonybeach.net)
Murray Shatt, Florida Keys Contractors Association (oceanmaster@bellsouth.net)
Department of Business and Professional Regulation
County File

